REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, claims 10, 13, 16, 20, 21, 24, 27, and 31 have been amended. No new matter has been added. Thus, claims 10-31 are currently pending in the present application and subject to examination.

In the Office Action mailed May 22, 2006, the Examiner rejected claims 10-31 under 35 U.S.C. § 112, second paragraph as being indefinite for not describing on what the "performing error correction" was being performed. Claims 10, 13, 16, 20, 21, 24, 27, and 31 have been amended to remove the feature "performing error correction." Thus, the Applicant requests that the rejection of claim 10-31 under 35 U.S.C. § 112 be withdrawn.

The Examiner rejected claims 13-15, 20, 24-26, and 31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,855,725 to Fernandez ("Fernandez") in view of U.S. Patent Application No. 4,829,569 to Seth-Smith ("Seth-Smith"). The Examiner rejected claims 10-12, 16-19, 21-23, and 27-30 under 35 U.S.C. § 103(a) as being unpatentable over Fernandez in view of Seth-Smith and further in view of U.S. Patent No. 5,144,663 to Kudelski ("Kudelski"). It is noted that claims 10, 13, 16, 20, 21, 24, 27, and 31 have been amended. To the extent that the rejections remain applicable to the claims currently pending, the Applicant hereby traverses the rejections as follows.

I.   Claim 10

The Applicants submit that none of Fernandez, Seth-Smith or Kudelski discloses or suggests a method for restricting access to electronic books displayed on a viewer including at least decrypting the pages for viewing on a page-by-page basis including decrypting and displaying the selected page and encrypting the selected page when no longer displayed, as claimed in amended claim 10.

The Examiner admits that Fernandez fails to disclose or suggest these features of claim 10. The Examiner relies on Seth-Smith and Kudelski to teach these features. However, Seth-Smith does not disclose or suggest decrypting teletext one page at a time as asserted in the Office Action. Seth-Smith merely teaches the decryption of an entire teletext either upon activation by the proper individual (at column 3, lines 18-25) or upon notification that the teletext message is encrypted, by a flag (at column 20, lines 64-68). Seth-Smith does note that if the message extends over more than one page, the microprocessor selects plural teletext pages and stores those not immediately displayed. However, these additional pages are not stored in an encrypted form, because Seth-Smith describes in the next sentence that "if they [the additional pages] are encrypted, . . . , it [the microprocessor] decrypts them." (See column 20, line 68-column 21, line 1). Thus, not only does Seth-Smith fail to disclose or suggest a page-by-page decryption as certain pages of a selected electronic book are individually selected, Seth-Smith teaches that when a message having a plurality of encrypted pages is stored, the pages are decrypted.

The Examiner admits that Seth-Smith fails to disclose or suggest encrypting the selected page when no longer displayed. The Examiner relies on Kudelski for such a

disclosure. Kudelski teaches a pay-per-view type television decoder that unscrambles scrambled transmissions in segments. However, the Applicants submit that Kudelski does not disclose or suggest decrypting pages of an electronic book on a page-by page basis or encrypting the selected page when no longer displayed. Rather, Kudelski teaches the ongoing unscrambling and display of a transmitted signal. Kudelski does not disclose or suggest that the segmentation of the unscrambling is connected to the rate at which a particular page of a selected electronic book is selected.

In addition, Kudelski does not disclose or suggest encrypting a selected page when no longer displayed. Kudelski merely teaches the unscrambling and display of a transmitted signal. There is no disclosure or suggestion of rescrambling a previously displayed transmission.

The combination of decrypting only the selected page at a time and afterwards encrypting the selected page when it is no longer displayed, as claimed in claim 10 provides additional security against unauthorized access to the data, as described in the specification on page 24.

For at least these reasons, the Applicant submits that claim 10 is allowable over the cited art. For similar reasons, the Applicant submits that claims 13, 20, 21, 24, and 31 are likewise allowable

As claims 10, 13, 20, 21, 24, and 31 are allowable, the Applicant submits that claims 11-12, 14-15, 22-23, and 25-26 which depend from allowable claims 10, 13, 21, and 24 are therefore allowable for at least the reasons noted above and for the additional limitations they provide.

II.   Claim 16

The Applicant submits that none of Fernandez, Seth-Smith, or Kudelski discloses or suggests at least a method for restricting access to electronic books displayed on a viewer including associating a predetermined amount of time after the electronic book is stored on the viewer with the electronic book and restricting access to the electronic book once the predetermined amount of time has passed, as claimed in amended claim 16.

The Examiner admits that Fernandez fails to disclose or suggest this feature. The Examiner relies on Seth-Smith and Kudelski to teach these features. Seth-Smith and Kudelski both teach pay-per-view type television systems that unscramble particular programs or groups of programs selected by the user at the time that these programs are broadcast. The time parameter associated with Seth-Smith and Kudelski is the time that the program is broadcast. These pay-per-view broadcasts are not stored in the viewer. Seth-Smith and Kudelski also do not disclose or suggest a predetermined amount of time after an electronic book is stored in the viewer that is associated with the electronic book. In addition, Seth-Smith and Kudelski do not disclose or suggest restricting access to the electronic book once a predetermined amount of time has passed.

For at least these reasons, the Applicant submits that claim 16, as amended, is allowable over the cited art. For similar reasons, the Applicant submits that claim 27 is likewise allowable. As claims 16 and 27 are allowable, the Applicant submits that claims 17-19 and 28-30, which depend from allowable claims 16 and 27, are therefore,

also allowable for at least the above noted reasons and for the additional limitations they provide.

With regard to each of the rejections under §103 in the Office Action, it is also respectfully submitted that the Examiner has not yet set forth a *prima facie* case of obviousness. The PTO has the burden under §103 to establish a *prima facie* case of obviousness. In re Fine, 5 U.S.P.Q.2nd 1596, 1598 (Fed. Cir. 1988). Both the case law of the Federal Circuit and the PTO itself have made clear that where a modification must be made to the prior art to reject or invalidate a claim under §103, there must be a showing of proper motivation to do so. The mere fact that a prior art reference could arguably be modified to meet the claim is insufficient to establish obviousness. The PTO can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. Id. In order to establish obviousness, there must be a suggestion or motivation in the reference to do so. See also In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984) (prior art could not be turned upside down without motivation to do so); In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1998); In re Dembiczak, 175 F.3d 994 (Fed. Cir. 1999); In re Lee, 277 F.3d 1338 (Fed. Cir. 2002).

In the Office Action, the Examiner merely states that the present invention is obvious in light of the cited references. See, e.g., Office Action at pages 4 and 10. This is an insufficient showing of motivation.

CONCLUSION

For all of the above reasons, it is respectfully submitted that the claims now pending patentability distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300, with reference to Attorney Docket No. 026880-00019.

Respectfully submitted,

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